

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
JOHN F. GARZIGLIA
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
MICHAEL J. LEHMKUHL *
SUZANNE C. SPINK *
RONALD G. LONDON *
* NOT ADMITTED IN D.C.

PEPPER & CORAZZINI

L. L. P.

ATTORNEYS AT LAW

1776 K STREET, NORTHWEST, SUITE 200

WASHINGTON, D. C. 20006

(202) 296-0600

GREGG P. SKALL
E. THEODORE MALLYCK
OF COUNSEL
FREDERICK W. FORD
1909-1986

TELECOPIER (202) 296-5572
INTERNET PEPCOR@COMMLAW.COM
WEB SITE HTTP://WWW.COMMLAW.COM

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March 22, 1996

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

MAR 22 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

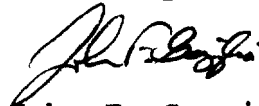
Re: Amendment of Section 73.202(b),
FM Table of Allotments
(Eufaula, Wagoner and Warner, Oklahoma)

Dear Mr. Caton:

Transmitted herewith on behalf of Tri-Mac Broadcasting is an original and four copies of a Petition for Rule Making seeking the commencement of a proceeding to amend the FM Table of Allotments to substitute Channel 271A at Warner, Oklahoma as its first local transmission service for Channel 271A at Wagoner, Oklahoma, and to modify the facilities of KRQZ-FM, Wagoner, Oklahoma to specify operation on Channel 271A at Warner, Oklahoma.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia

Enclosure

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MAR 22 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) RM _____
Table of Allotments,)
FM Broadcast Stations)
(Eufaula, Wagoner and Warner, Oklahoma))

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Tri-Mac Broadcasting ("Tri-Mac")^{1/}, pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. Section 73.202(b), to substitute Channel 271A at Warner, Oklahoma (population 1,462) as its first local transmission service,^{2/} for Channel 271A at Wagoner, Oklahoma, (population 6,894 persons) and modify the facilities of KRQZ-FM, Wagoner, Oklahoma to specify operation on Channel 271A at Warner, Oklahoma. As is shown in the attached channel studies, this substitution may be made in compliance with the Commission's current separation

^{1/} The affidavit of Henry McCray, General Partner of Tri-Mac Broadcasting, is attached pursuant to Section 1.52 of the Commission's rules.

^{2/} Warner, Oklahoma, is incorporated and is therefore a "community" for allotment purposes. Channel 271A may be allotted at reference coordinates of 35° 30' 02" North Latitude, 95° 18' 52" West Longitude, which is 0.7 miles/1.1 kilometers northwest of Warner, Oklahoma. Population figures are taken from the 1990 U.S. Census.

requirements.^{3/} Tri-Mac, the licensee of KRQZ-FM, will apply for the new channel when allotted, and when authorized will build the modified facilities promptly.

Tri-Mac requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Eufaula, Oklahoma	272A	273C3 ^{4/}
Wagoner, Oklahoma	271A	--
Warner Oklahoma	--	271A

Substitution of Warner for Wagoner as KRQZ-FM's community of license would result in a preferential arrangement of allotments pursuant to Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The substitution would provide Warner with its first local service, while Wagoner would continue to receive local service from KXTD(AM), Wagoner, Oklahoma. Thus, the requirements of 47 U.S.C. § 307(b) would be served.

In addition, a move of KRQZ-FM from Wagoner to Warner will enable KRQZ-FM to increase power to become a 6 kW operation,

^{3/} This allotment is made possible due to a one-step upgrade application filed by KCES(FM), Eufaula, Oklahoma, to modify the facilities of KCES(FM) from Channel 272A to Channel 273C3, which eliminates short spacing to this proposal. To the extent that the KCES(FM) one-step upgrade application serves as a foundation for this proposal, the consent of Harmon Davis, licensee of KCES(FM), to change channels and modify the KCES(FM) transmitter site, is attached.

^{4/} One-step application filed on March 19, 1996.

which is in the public interest. See, e.g., Eatonton, Fayetteville, Greenville, Hogansville, Sparta, and Thomaston, Georgia, and Ashland and Valley, Alabama, 8 FCC Rcd 4983, 4940 (MMB 1993) ("As a result of these changes [in community of license], the Thomaston, Ashland and Valley stations will be able to operate as 6 kilowatt facilities.")

WHEREFORE, for the reasons above, the commencement of a rule making proceeding to amend the FM Table of Allotments is respectfully requested.

Respectfully submitted,

TRI-MAC BROADCASTING

By: Henry McCray
Henry McCray
General Partner

Tri-Mac Broadcasting
132 South Main
Wagoner, Oklahoma
(918) 485-3658

AFFIDAVIT

State of Oklahoma)

Wagoner County) ss:

Before me, Henry McCray, in and for said county and state, on this 20th day of March, personally appeared Henry McCray, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its general partner, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such partnership for the uses and purposes therein set forth.

Gail Curtis Payne
Notary Public
My commission expires: July 12, 1997

(affix seal here)

PEPPER & CORAZZINI
WASHINGTON DC 20006

KRQZ-FM Modified to Warner, Oklahoma
[KCES(FM) Modified to Channel 273C3]

REFERENCE
35 30 02 N
95 18 52 W

CLASS A
Current rules spacings
----- CHANNEL 271 -102.1 MHz -----

DISPLAY DATES
DATA 03-01-96

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KRQZFM	271A	Wagoner	OK	350.1	50.12	115.0	-64.88 *
KRQZFM	271A	Wagoner	OK	350.1	50.12	115.0	-64.88 *
KCES	272A	Eufaula	OK	238.4	26.89	72.0	-45.11 *
KENAFM	271C3	Mena	AR	136.6	141.59	142.0	-0.41 *
KEOK.C	269C3	Tahlequah	OK	36.7	54.65	42.0	12.65
KEOK	269A	Tahlequah	OK	36.7	54.65	31.0	23.65
KTST	270C	Oklahoma City	OK	271.6	198.06	165.0	33.06
KTFX	272A	Sand Springs	OK	318.0	106.10	72.0	34.10
KLSZFM	274C3	Van Buren	AR	93.9	86.38	42.0	44.38

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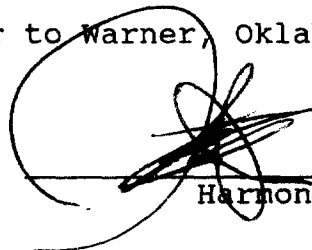
KCES(FM), Eufaula, Oklahoma Upgraded to Channel 273C3
[One Step Application filed 3/19/96]

REFERENCE		DISPLAY DATES
35 08 06 N	CLASS C3	DATA 03-01-96
95 31 00 W	Current rules spacings	
----- CHANNEL 273 -102.5 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KCES	272A	Eufaula	OK	350.2	26.86	89.0	-62.14 *
KJYO	274C	Oklahoma City	OK	284.3	185.27	176.0	9.27
KLSZFM	274C3	Van Buren	AR	71.7	110.34	99.0	11.34
AP220	220A	McAlester	OK	216.8	27.94	12.0	15.94
KKYRFM	273C1	Texarkana	TX	145.1	230.51	211.0	19.51
AD273	273A	Madill	OK	225.3	162.27	142.0	20.27
KJKT	273C1	Joplin	MO	22.2	232.88	211.0	21.88
KTFX	272A	Sand Springs	OK	336.1	130.56	89.0	41.56
ALOPEN	276C2	Atoka	OK	213.7	101.91	56.0	45.91
KRQZFM	271A	Wagoner	OK	6.2	90.45	42.0	48.45
KRQZFM	271A	Wagoner	OK	6.2	90.45	42.0	48.45

CONSENT

Harmon Davis, the licensee of KCES(FM), Eufaula, Oklahoma, hereby states his intention to continue to prosecute his recently filed one-step application seeking a modification and upgrade of KCES(FM) from Channel 272A to Channel 273C3, and hereby gives his consent to such a modification of KCES(FM) in a proposal to relocate KRQZ-FM from Wagoner to Warner, Oklahoma.

A handwritten signature in black ink, consisting of a large loop followed by several strokes, positioned above a horizontal line.

Harmon Davis

3-20-96
Date